

RRMARKS

Request for Reconsideration

Applicants have carefully considered the matters raised by Examiner in the outstanding Office Action, but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of Examiner's position based on the above amendments to the claims, and the following remarks.

Claims Status

Claims 40-46 are pending in this Application.

Claim 46 presents canceled Claim 39 in a better form so as to address all of the claim objections made in the previous Office Action.

Claims 40-45 have been amended to reflect the cancellation of Claim 39 and the addition of Claim 46. Probably, the best support for Claim 46, which was Claim 39, can be seen in Figure 3 which depicts the embodiment intended to be covered by Claim 46 and its dependent claims of 40-45.

Respectfully, no new matter has been added by way of these amendments.

Drawing Objections

The drawings had been objected to as not showing each element recited in Claim 39. Specifically, the space which was recited in the last paragraph of Claim 39, was deemed not to be depicted in the drawings.

The space referred to in Claim 39 is referred to in Figure 3 as L¹'. The space has been defined in Claim 46 as being between the distal end of the second hook projection and the first leg. The space is defined as extending vertically between the distal end of the second projection and the first leg. The space is also defined as extending horizontally between the proximal end of the first hook projection and the first edge of the first panel.

Respectfully, the drawings do depict a space as defined in Claim 46.

Specification Objections

The Specification had been objected to as not providing proper antecedent basis for the space defined in Claim 39. As noted above, Claim 39 has been canceled and Claim 46 defines a space which is respectfully shown in Figure 3 as L¹. Figure 3, is described in the Specification and, thus, it is respectfully submitted that the Specification does define the space L¹.

Claim Objections

Claim 39 had been objected to on a number of grounds. Rather than amend Claim 39 to address each one of the Examiner's objections, it was deemed more prudent to cancel Claim 39 and present new Claim 46. Respectfully, Claim 46 is not plagued by all of the objections deemed in Claim 39.

Claim Rejection Under 35 USC 112, First Paragraph

Claim 39 had been rejected under 35 USC 112, first paragraph, as having the same subject matter not described in the Specification.

As noted above, Claim 39 has been canceled herein and Claim 46 presented in its stead. It is submitted that Claim 46 is supported by the Specification and specifically Figure 3 and the description of Figure 3 in the Application.

Claim Rejection Under 35 USC 112, Second Paragraph

Claims 39-45 had been rejected under 35 USC 112, second paragraph, as being indefinite. Specifically, the Examiner pointed to the definition of space as provided in Claim 39.

As noted above, Claim 39 has been canceled herein and Claim 46 presented in its stead. It is submitted that the space as defined in Claim 46 is supported by the Specification and the drawings as depicted as space L' in Figure 3.

Claim Rejection Under 35 USC 102

Claims 39-45 had been rejected as being anticipated by Hoffmann. The Examiner had presented Figure 2 of Hoffmann on page 7 of the Office Action to illustrate his position.

As noted above, Claim 39 has been canceled and Claim 46 has been presented in its stead. Claim 46 is an independent claim from which Claims 40-45 depend.

First, one of the major differences between Hoffmann and the present Invention is the fact that in the present Invention the first hook element hooks directly and vertically into the second hook element to fasten the first panel to the second panel, see the third sub-paragraph of Claim 46. In contrast, as shown in Figures 2 and 3, in order for Hoffmann to join two panels he needs a connector track. In Figures 2 and 3 of Hoffman, the connector track is labeled 1 while the panels are labeled 2 and 3. See column 1, lines 51-53.

Thus, Hoffmann does not teach that each panel has a pair of oppositely disposed retaining profiles which are arranged at each edge of the panel wherein each of the retaining profiles has a hook element and one of the hook elements in one of the panels directly and vertically hooks into the other of the hook element of a second panel. Thus, it is respectfully submitted that Hoffmann does not anticipate Claim 46 or its dependent claims.

Claim Rejection Under 35 USC 103

Claims 39-41, 44 and 45 had been rejected as being unpatentable over a combination of Choppe and Wilson, while Claims 42 and 43 had been rejected as being unpatentable over a combination of Choppe, Wilson and Moriau.

Choppe had been cited to teach panels having pairs of retaining profiles that were oppositely disposed of one another, where the retaining profiles had hook element. Wilson had been cited to teach the space which is at the distal end of the second hook element.

As noted above, Claim 39 has been canceled and Claim 46 presented herein. Claim 46, in the last sub-paragraph, defines the space as extending vertically between the distal end of the second hook projection and the first leg and extending horizontally between the proximal end of the first hook projection and the first edge. As can be seen in Wilson, in Figure 2, the space as defined in the present claim is not the same as the space in Wilson because the space in Wilson does not extend horizontally between the proximal end of the first hook projection and the first edge. As can be seen in Wilson, there is no horizontal end to the space.

Second, it is submitted that the mechanism by which Wilson locks his two panels is substantially different than the way which Choppe locks his two panels such that one of skill in the art would not look to Wilson in order to modify Choppe. Choppe is understood as teaching locking two adjacent panels directly to one another through a vertical movement. In contrast, Wilson teaches a tongue and groove type arrangement wherein a horizontal movement and rotational movement are needed for locking the two panels together. The horizontal, rotational movement is illustrated in Figure 3 of Wilson. Given the difference in the nature of the connection between the two panels in Choppe and in Wilson, one of skill in the art would not look to Wilson in order to modify Choppe.

Moriau does not provide the missing elements in Wilson especially because Moriau teaches that his adjacent panels are also combined to a horizontal movement not through a vertical movement. Thus, it is also submitted that one of skill in the art would not combine Moriau with Choppe because of the different ways the two panels are connected. Moriau teaches a tongue and groove type arrangement which needs a horizontal motion for joining the two panels. Given the difference between joining panels horizontally

versus vertically, it is submitted that one of skill in the art does not look to horizontally joint panels when dealing with panels that are joined vertically.

Request for Three-Month Extension of Time

Applicants hereby petition for a three-month Extension of Time within which to file this Submission. The government extension fee is being paid concurrently herewith.

Should any additional fees or extensions of time or fees be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit Account Number 02-2275.

In view of the foregoing, it is respectfully submitted that the claims, as presented herein, are patentable over the references taken alone or in combination.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,
LUCAS & MERCANTI, LLP

By: Donald C. Lucas
Donald C. Lucas, Reg. # 31,275
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/mr